

Docket Number: 3459

LEONARD D. FITTS, Ed.D.

Joseph P. Grimes, Esquire
Gino P. Mecoli, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
Cheyney University,
State System of Higher Education,

Wayne S. Melnick, Esquire

CLOSED

February 26, 2002

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$50,000.

February 27, 2002

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT March 27, 2002.

March 7, 2002

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General March 4, 2002.

March 8, 2002

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 6, 2002.

July 5, 2002

Answer to Plaintiff's Complaint and New Matter filed by attorney for Defendant. Response due from Plaintiff **8-9-02**.

July 19, 2002

Plaintiff's Answer to Defendants New Matter and Affirmative Defense filed by attorney for Plaintiff.

July 23, 2002

Letter forwarded to parties directing them to proceed with discovery.

March 27, 2003

Letter forwarded to parties requesting a status report. **Response due from parties 4-25-03.**

April 18, 2003

Letter received from attorney for Defendant advising that they served discovery requests upon Plaintiff's counsel last year. In January of 2003, Plaintiff requested an extension of time in which to respond to Defendant's discovery requests. To date

there has been no response from Plaintiff.

April 25, 2003

Faxed letter received from attorney for Plaintiff advising that they responded to Defendant's discovery requests. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 28, 2003

US Mail letter received from attorney for Plaintiff advising that they responded to Defendant's discovery requests. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 15, 2003

Plaintiff filed letter advising that Defendant concurs with the Board to schedule a conference for the above matter. Copy forwarded to Defendant.

November 6, 2003

Board issued letter to parties requesting a status report.

November 10, 2003

Plaintiff filed letter/Status Report requesting a date to conduct a conference in this matter to determine its direction.

December 10, 2003

Board issued Opinion and made the following Order: **AND NOW**, this 10th day of December, 2003, counsel for the parties are directed to attend a status conference in the offices of the Board at 1:00 p.m. on January 6, 2004. Copies forwarded to all parties of record.

March 11, 2004

Plaintiff requests a hearing to be scheduled. Copy forwarded to Defendant.

April 30, 2004

Board issued a Scheduling Order. Order as follows: **AAND NOW, 30TH** day of April 2004, it is hereby **ORDERED** and **DECREED** as follows:

1. All depositions and discovery shall be completed by August 13, 2004; 2. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than August 25, 2004; 3. A pre-trial conference is scheduled for Thursday, September 2, 2004, at 1:00 p.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101; 4. The last day for filing pre-trial motions is September 10, 2004; and 5. This matter is set for hearing before a panel beginning on Wednesday, October 20, 2004, and running through Friday, October 22, 2004, as necessary. Said hearing shall be held at 200 North Third Street, Fulton Building, 6th Floor, Harrisburg, PA 17101, commencing at 9:30 a.m. Copy forwarded to Plaintiff and Defendant.

May 17, 2004

Plaintiff filed Acceptance of Service of Scheduling Order. Receipt of same acknowledged by attorney for Plaintiff May 11, 2004.

May 28, 2004

Defendant filed Acceptance of Service of Scheduling Order. Receipt of same acknowledged by attorney for Defendant May 7, 2004.

August 25, 2004

Faxed copy of Plaintiff Leonard Fitts= Pretrial Statement and letter advising that the entire case will take one and a half days to present. Copy forwarded to Defendant.

August 26, 2004

U.S. Mail letter and Plaintiff Leonard Fitts= Pretrial Statement

filed.

August 26, 2004

Defendant filed Pre-hearing Statement. Copy forwarded to Plaintiff.

August 31, 2004

Board issued letter to parties, via facsimile and U.S. mail, changing Pre-Trial Conference time to 10:00 a.m. on September 2, 2004 and advising Plaintiff will participate via telephone conference.

September 17, 2004

Plaintiff, Leonard Fitts' Amended Pretrial Statement. Copy forwarded to Defendant.

October 20, 2004

Panel Hearing (Swartz & Kline) held in Board's Hearing Room No. 2, 200 North 3rd Street, Fulton Building, 6th Floor, Harrisburg, PA 17101, commencing at 9:30 a.m. Case completed at 11:30 a.m.

November 22, 2004

Testimony of panel hearing held (October 20, 2004) filed.

November 24, 2004

Board forwarded copy of Testimony of panel hearing held October 20, 2004, to Defendant.

December 10, 2004

Defendant filed an Acceptance of Service of Testimony. Receipt of same acknowledged November 29, 2004.

March 17, 2005

Plaintiff filed a letter advising that once the funds have been provided, a Praecipe to settle, discontinue and end will be forwarded to the Board.

May 19, 2005

Plaintiff filed Proposed Order, Notice of Motion to Enforce Settlement, Certification of Counsel. Copy forwarded to Defendant.

June 13, 2005

Defendant filed letter enclosing copy of a settlement check forwarded to Plaintiff for payment of the total sum agreed in the settlement of this case.

September 8, 2005

Board rendered an Opinion and Order. Order as follows: **"AND NOW**, this 8th day of September, 2005, a Rule to Show Cause is issued upon Plaintiff, Leonard D. Fitts, Ed.D., as to why this matter should not be marked settled, discontinued and ended. In the event the Board does not receive a response to this Rule within thirty (30) days from the exit date of this Order, this Rule to Show Cause shall become absolute and the case shall be marked 'settled, discontinued and ended with prejudice'." Copy forwarded to Plaintiff and Defendant.

September 19, 2005

Defendant filed Acceptance of Service of Opinion and Order dated September 8, 2005. Receipt of same acknowledged September 12, 2005.

October 24, 2005

Board rendered an Opinion and Order. Order as follows: **"AND NOW**, this 24th day of October, 2005, the Rule to Show Cause entered on September 8, 2005, shall become **ABSOLUTE** and this

case shall be marked 'settled, discontinued and ended with prejudice'." Copy forwarded to Plaintiff and Defendant.

October 31, 2005

Defendant filed Acceptance of Service of Opinion and Order dated October 24, 2005. Receipt of same acknowledged October 26, 2005.
